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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/810,646

03/03/97

JACOBSEN

J

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EXAMINER

PIZIALI, J

ART UNIT

PAPER NUMBER

2673

DATE MAILED:

09/25/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/810,646

Applicant(s)

JACOBSEN ET AL

Examiner

Jeff Piziali

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 4, 2001 has been entered.

### ***Drawings***

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 25 recites the limitation "the backlight" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-40 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-25 of copending Application No. 08/766,607. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: a docking system for a telephone comprising: a hand held housing having a plurality of control elements and a connection port that electrically connects a circuit within the housing to a wireless telephone that docks with the housing; an active matrix liquid crystal display mounted to the housing and including an array of at least 75,000 pixel electrodes having a display area of less than 158 mm<sup>2</sup>, the display receiving display data from the circuit; and a light source within the hand held housing that illuminates the display.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending

application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilska et al. (United Kingdom - 2,289,555) in view of Fan et al. (US - 5,815,126).

Regarding claim 1, Wilska et al. discloses a docking system for a telephone [17] comprising: a hand held housing [1] (see Figures 1-3; Page 5, Paragraph 3) having a plurality of control elements [10, 11] (see Figure 3; Page 4, Paragraph 3) and a connection port [8] (see Figure 3; Page 5, Paragraph 3) that electrically connects a control circuit [2] (see Figure 3; Page 3, Paragraph 9) within the housing [1] to a wireless telephone [17] that docks with the housing [1] (see Figures 1-3; Page 5, Paragraph 3); a liquid crystal display [9] mounted to the housing [1] (see Figures 1-2; Page 4, Paragraph 2), the display receiving display data from the circuit [2] (see Figure 3; Page 3, Paragraph 9). Wilska et al. does not expressly disclose an active matrix LCD or a light source. However, Fan et al. discloses an active matrix liquid crystal display (see Column 1, Lines 45-58) and a light source (see Figure 19; Column 13, Lines 7-34). Wilska et al. and Fan et al. are analogous art because they are from the field of portable communication and display devices.

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's an active matrix liquid crystal display and light source with Wilska's communication device to provide a high quality liquid crystal image that's easy to see (and read) even in the dark.

Regarding claims 2 and 3, Wilska et al. does not expressly disclose the housing comprises a first display port and a second display port. However video line splitters, which provide plural display ports, are well known in the art of display devices.

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize a video line splitter with Wilska's communication device to display images on multiple display devices.

Regarding claim 4, Wilska et al. does not expressly disclose the matrix display further comprises an array of transistor circuits formed with single crystal silicon, the array of transistor circuits being bonded to an optically transmissive substrate with an adhesive layer. However, Fan et al. discloses a matrix display further comprises an array of transistor circuits formed with single crystal silicon, the array of transistor circuits being bonded to an optically transmissive substrate with an adhesive layer (see Column 1, Lines 45-58).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's matrix display with Wilska's communication device to provide a high quality liquid crystal image.

Regarding claim 5 and 34, Wilska et al. does not expressly disclose a color sequential display circuit. However, Fan et al. discloses a color sequential display circuit (see Column 8, Lines 44-56).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's color sequential display circuit with Wilska's communication device to provide a high quality color liquid crystal image.

Regarding claims 6 and 28, Wilska et al. does not expressly disclose the display is a color sequential display system and the light source is an LED backlight. However, Fan et al. discloses an active matrix liquid crystal display is a color sequential display system and the light source is an LED backlight (see Column 8, Lines 44-56).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's color sequential display circuit with Wilska's communication device to provide a high quality color liquid crystal image that's easy to see (and read) even in the dark.

Regarding claim 7, Wilska et al. does not expressly disclose a timing circuit. However, Fan et al. disclose discloses a timing circuit connected to the active matrix liquid crystal display for controlling the sequential flow to the display (see Column 8, Lines 44-56).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's timing circuit with Wilska's communication device to provide a high quality color liquid crystal image.

Regarding claims 8 and 31, Wilska et al. discloses a battery [3] (see Figure 3) carried by the housing.

Regarding claim 9, Wilska et al. does not expressly disclose an LED light source that is optically coupled to the display and a lens that magnifies an image on the display. However, Fan et al. discloses an LED light source (see Figure 19; Column 13, Lines 7-34), and a magnifying image lens (see Figure 52A; Column 23, Lines 7-11).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's LED light source and lens with Wilska's communication device to provide a high quality color liquid crystal image that's easy to see (and read) even in the dark.

Regarding claims 10 and 27, Wilska et al. does not expressly disclose using an LED light source as a backlight. However, Fan et al. discloses using an LED light source as a backlight (see Column 2, Lines 55-59 and Column 8, Lines 44-56).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's LED backlight with Wilska's communication device to provide a high quality color liquid crystal image that's easy to see (and read) even in the dark.

Regarding claim 11, Wilska et al. does not expressly disclose the light source is optically coupled to the matrix display with a side illumination device. However, Fan et al. disclose a side illumination device (see Column 2, Lines 49-55).



Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's side illumination device with Wilska's communication device to provide a high quality color liquid crystal image that's easy to see (and read) even in the dark.

Regarding claims 12, 25 and 39, Wilska et al. discloses a display subhousing, wherein the display subhousing can be moved from a storage position to an operating position (see Figures 7-9; Page 10, Paragraph 3).

Regarding claim 13, Wilska et al. discloses a lens is moved from within the housing in the storage position and is viewable in the operating position (see Figures 7-9; Page 10, Paragraph 3).

Regarding claim 14, Wilska et al. discloses the display subhousing rotates relative to the housing between the storage position and the operating position (see Figures 7-9; Page 10, Paragraph 3)..

Regarding claim 15, Wilska et al. discloses the display subhousing translates relative to the housing between the storage position and the operating position (see Figures 7-9; Page 10, Paragraph 3)..

Regarding claim 16, Wilska et al. discloses the display both rotates and moves translationally relative to the housing between a storage position and an operating position (see Figures 7-9; Page 10, Paragraph 3)..

Regarding claim 17, Wilska et al. discloses a display subhousing module, wherein the display subhousing is detachable from the housing (see Figure 7; Page 10, Paragraph 3)..

Regarding claim 18, Wilska et al. does not expressly disclose at least two display module ports, each port is adapted to couple with the display subhousing both electrically and physically. However video line splitters, which provide plural display ports, are well known in the art of display devices.

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize a video line splitter with Wilska's communication device to display images on multiple display devices.

Regarding claims 19, 26, 32 and 40, Wilska et al. discloses a camera [15, 16] (see Figures 1-3; Page 4, Paragraph 5).

Regarding claims 20 and 29, Wilska et al. does not expressly disclose the active matrix liquid crystal display has at least 640 x 480 pixel electrodes. However, Fan et al. disclose at least a 640 x 480 pixel array (see Column 3, Lines 30-35).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's pixel array with Wilska's communication device to enhance image resolution.

Regarding claim 21, Wilska et al. discloses a docking system for a telephone [17] comprising: a hand held housing [1] (see Figures 1-3; Page 5, Paragraph 3) having a plurality of control elements [10, 11] (see Figure 3; Page 4, Paragraph 3) and a connection port [8] (see Figure 3; Page 5, Paragraph 3) that links a control circuit [2] (see Figure 3; Page 3, Paragraph 9) within the housing to a telephone attachable to the housing (see Figures 1-3; Page 5, Paragraph 3); a liquid crystal display [9] mounted to the housing and connected to the display control circuit (see Figures 1-2; Page 4, Paragraph 2), the display receives display data from the circuit (see Figure 3; Page 3, Paragraph 9); and a battery in the housing that provides power to the device. Wilska et al. does not expressly disclose an active matrix LCD or a light source. However, Fan et al. discloses an active matrix liquid crystal display (see Column 1, Lines 45-58) and a light source (see Figure 19; Column 13, Lines 7-34).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's an active matrix liquid crystal display and light source with Wilska's communication device to provide a high quality liquid crystal image that's easy to see (and read) even in the dark.

Regarding claims 22 and 36, Wilska et al. discloses the connection port [8] electrically connects the control circuit [2] to the telephone [17] attached to the housing [1] (see Figures 1-3; Page 5, Paragraph 3).

Regarding claims 23 and 37, Wilska et al. does not expressly disclose the system has both a low resolution alphanumeric display and a high resolution display. However, Fan et al. discloses a high resolution display (see Column 3, Lines 30-35).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's high resolution display and Wilska's low resolution display (Page 4, Paragraph 2) both a high quality display and an inexpensive display.

Regarding claims 24 and 38, Wilska et al. discloses the display control circuit in the housing is a central processing unit [4] (see Figure 1; Page 4, Paragraph 9).

Regarding claim 30, Wilska et al. discloses a method of displaying an image on a docking system in conjunction with a wireless telephone [17], comprising the steps of: providing a docking element [1] (see Figures 1-3; Page 5, Paragraph 3) having a liquid crystal display [9] within the docking station (see Figures 1-2; Page 4, Paragraph 2), the docking station having a display control circuit [2] (see Figure 3; Page 3, Paragraph 9) and a connection port [8] (see Figure 3; Page 5, Paragraph 3); providing a wireless telephone having a transceiver capable of receiving audio and image data (see Figures 1-3; Page 5, Paragraph 3), and an external port [17] that links with the connection port of the docking station (see Figures 1-3; Page 5, Paragraph 3);

providing a communication link between the wireless telephone and the docking station (see Figures 1-3; Page 5, Paragraph 3); docking the telephone with the docking station (see Figures 1-3; Page 5, Paragraph 3); and operating the display control circuit connected to the transceiver and the matrix display to display an image on the display (see Figures 1-2; Page 4, Paragraph 2).

Wilska et al. does not expressly disclose an active matrix LCD. However, Fan et al. discloses an active matrix liquid crystal display (see Column 1, Lines 45-58).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's an active matrix liquid crystal display with Wilska's communication device to provide a high quality liquid crystal image.

Regarding claim 33, Wilska et al. discloses selecting whether the image from the camera is seen on the display, transmitted to remote location, or both (see Figures 1-3; Page 5, Paragraph 1).

Regarding claim 35, Wilska et al. discloses a docking system for a telephone [17] comprising: a hand held housing [1] (see Figures 1-3; Page 5, Paragraph 3) having a plurality of control elements [10, 11] (see Figure 3; Page 4, Paragraph 3) and a connection port [8] (see Figure 3; Page 5, Paragraph 3) that links a display control circuit [2] (see Figure 3; Page 3, Paragraph 9) within the housing to a telephone attachable to the housing; a liquid crystal display mounted to the housing and connected to the control circuit (see Figures 1-2; Page 4, Paragraph 2), the display receives display data from the circuit (see Figure 3; Page 3, Paragraph 9); and a battery [3] in the housing that provides power to the display and the light source (see Figure 3).

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Wilska et al. does not expressly disclose a color sequential active matrix LCD or a light emitting diode within the hand held housing that illuminates the display. However, Fan et al. discloses a color sequential (see Column 8, Lines 44-56) active matrix liquid crystal display (see Column 1, Lines 45-58) and a light emitting diode light source (see Figure 19; Column 2, Lines 55-59 and Column 13, Lines 7-34).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize Fan's an active matrix liquid crystal display and light source with Wilska's communication device to provide a high quality liquid crystal image that's easy to see (and read) even in the dark.

#### ***Response to Arguments***

10. Applicant's arguments filed September 4, 2001 have been fully considered but they are not persuasive. The applicants contend Fan fails to teach a docking station for receiving a telephone. However, the examiner respectfully disagrees. Fan discloses that cellular mobile phone unit [Fig. 3, 17] "is connected to cellular mobile phone controller [Fig. 3, 8] of data processing unit [Fig. 3, 2] and to receiver/transmitter antenna [Fig. 3, 18]" (see Page 5, Paragraph 3). As such, the cellular mobile phone controller does indeed serve as a docking station for receiving a telephone. Furthermore, although Fan indicates the cellular mobile phone unit is preferably an integrated part of the notebook computer; this does not preclude the cellular mobile phone controller from serving as a docking station. Under such reasoning, claims 1-40 stand rejected.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (703) 305-8382. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
J.P.

September 20, 2001



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